

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

YOHAN WEBB,

4:21CV3058

Plaintiff,

**MEMORANDUM
AND ORDER**

vs.

MIKE STREETER, et al.

Defendants.

Plaintiff has filed a motion to depose Defendant Craig Cooper (Filing 137). Plaintiff requests the court to set a date and time for the deposition to be taken by stenographic means, with a transcript produced for Plaintiff; to order Plaintiff's transportation from the county jail to the county courthouse for purposes of taking the deposition; and to subpoena Defendant to testify and produce documents. The motion will be denied in all respects.

A party's right to orally depose another party is governed by Rule 30 of the Federal Rules of Civil Procedure, which generally does not require leave of court or service of a subpoena. "Granting leave to proceed in forma pauperis does not grant the right to affirmative assistance from the court in conducting discovery or securing a court reporter." *Baker v. Immanuel Med. Ctr.*, No. 8:06CV655, 2007 WL 2914547, at *2 (D. Neb. Oct. 3, 2007) (denying pro se prisoner's motion to take depositions). "The statutory right to proceed in forma pauperis does not include the right to receive funds from the court to pay discovery or other costs relating to a pro se litigant's case." *Brown v. Strong*, No. 8:14CV298, 2016 WL 2350114, at *2 (D. Neb. May 4, 2016); *see Lewis v. Precision Optics, Inc.*, 612 F.2d 1074, 1075 (8th Cir. 1980) (rejecting in forma pauperis plaintiff's claim that district court erred in not requiring government to pay for deposition expenses or copies of records).

Nor is court intervention required simply because the plaintiff is a prisoner. "Generally speaking, prisoners who bring civil actions, including prisoners who bring actions under the civil rights statute, 42 U.S.C. § 1983, have no right to be

personally present at any stage of the judicial proceedings.” *Holt v. Pitts*, 619 F.2d 558, 560 (6th Cir. 1980).

IT IS THEREFORE ORDERED that Plaintiff’s motion to depose Defendant Craig Cooper (Filing 137) is denied in all respects.

Dated this 6th day of April, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge